

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ **MAR 25 2013** ★
LONG ISLAND OFFICE

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DANNY DONOHUE, as President of the
Civil Service Employees Association, Inc.,
Local 1000, AFSCME, AFL-CIO,
Civil Service Employees Association, Inc.,
Local 1000, AFSCME, AFL-CIO,

MEMORANDUM AND ORDER

Plaintiffs,

CV 11-1900

-against-

(Wexler, J.)

NASSAU COUNTY INTERIM FINANCE
AUTHORITY, et al.,

Defendants.

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APPEARANCES:

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WEXLER, District Judge


In this action Plaintiffs challenge the imposition of a wage freeze imposed by Defendant Nassau County Interim Finance Authority ("NIFA"). Two other cases, Carver v. NIFA, No. 11-1614 (E.D.N.Y.) (LDW) ("Carver") and Jaronczyk v. NIFA, No. 11-2743 (E.D.N.Y.) (LDW) ("Jaronczyk"), commenced by representatives of two other Nassau County unions, were also brought before this court. Like this case, Carver and Jaronczyk challenge the legality of wage freezes imposed by NIFA. Carver and Jaronczyk were consolidated with this matter for motion practice. Summary judgment motions in all three cases were simultaneously submitted to this court for decision.

In a Memorandum and Opinion dated February 14, 2013, this court granted the motion of the Carver plaintiffs for summary judgment. Carver v. Nassau County Interim Finance Authority, 2013 WL 544009 (E.D.N.Y. 2013). There, this court held that Section 3669 of the New York Public Authorities Law ("Section 3669") did not permit imposition of the challenged wage freeze. The court stayed operation of any judgment in Carver pending appeal. Judgment was entered in accord with the February 14, 2013 decision on March 4, 2013. Defendants have filed their notice of appeal.

This court thereafter granted Plaintiffs the right to amend their complaint to raise the issue that was held dispositive in the Carver matter. The court further ordered Defendants to advise the court, without waiving any right to appeal, as to whether there was any factor in this case that distinguishes it from Carver, which required a disposition different from the decision reached therein. All parties have responded to this court's request for comment.

The court has received and reviewed the parties' submissions. In consideration thereof, and in light of the fact that the Second Circuit has accepted the Carver appeal on an expedited basis, the court holds that in the interests of judicial economy and conservation of resources, this matter shall be stayed, and all motion practice herein shall be held in abeyance pending a decision by the Second Circuit in Carver.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
March 25, 2013